

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN CARLOS LEMUS,
Plaintiff,

v.

E. SULLIVAN, et al.,
Defendants.

Case No. 11-cv-01099-JST (PR)

ORDER OF DISMISSAL

Re: Dkt. Nos. 36, 37

On March 8, 2011, plaintiff, a California prisoner incarcerated at the Correctional Training Facility and proceeding pro se, filed a civil rights complaint under 42 U.S.C. § 1983. On August 6, 2013, the Court screened plaintiff's second amended complaint and found he had stated a cognizable claim for deliberate indifference to serious medical needs as against the following defendants: Dr. E. Sullivan, Dr. J. Lee, RN A. Coleman, CMO D. Jacobsen, and B. Dixon. The Court dismissed without prejudice plaintiff's supervisory liability claim against CDCR Director Matthew Cate on the ground that none of the allegations in the second amended complaint linked Cate to any of plaintiff's claims.

On December 10, 2013, the Court dismissed without prejudice the claims against defendants Lee and Dixon on the ground that these two defendants remained unserved, and plaintiff had not been able to provide location information for these two defendants.

Plaintiff and the remaining three defendants, Coleman, Jacobsen, and Sullivan, have since stipulated to a dismissal of this action with prejudice under Federal Rule of Civil Procedure 41(a)(1). (See Dkt. Nos. 36, 37.) The parties agree to bear their own litigation costs and attorney's fees. (See id.)

1 In accordance with the stipulations, and because all defendants have been terminated, this
2 action is dismissed. The dismissal is with prejudice as to defendants Coleman, Jacobsen, and
3 Sullivan. The dismissal remains without prejudice as to defendants Cate, Dixon, and Lee.

4 The Clerk of the Court shall close the file and terminate all pending motions.

5 **IT IS SO ORDERED.**

6 Dated: April 2, 2014

7 
8 JON S. TIGAR
United States District Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California